

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

PATRICIA CHAPMAN,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

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CIVIL ACTION NO. 6:21-CV-00294-
JDK

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

On February 23, 2024, Plaintiff Patricia Chapman filed an unopposed application for attorney fees under the Equal Access to Justice Act (“EAJA”). Docket No. 28. The application was referred to Judge Love for findings of fact and recommendation for disposition. Docket No. 29. On February 28, 2024, Judge Love issued a Report and Recommendation, recommending that Plaintiff’s motion be granted, and that the Commissioner pay to Plaintiff the sum of \$8,031.97 in fees pursuant to EAJA, 28 U.S.C. § 2412(d), and \$402.00 in costs. Docket No. 30. No objections have been filed, and the time period for filing objections has passed.

Because objections to Judge Love’s Report have not been filed, Plaintiff is barred from de novo review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and


adopted by the district court. *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

The Court has reviewed the filings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), cert. denied, 492 U.S. 918, 109 S.Ct. 3243 (1989) (holding that where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.>").

Accordingly, it is hereby **ORDERED** that the Magistrate Judge's Report (Docket No. 30) is **ADOPTED**. Plaintiff's motion (Docket No. 28) is **GRANTED** and the Commissioner shall pay to Plaintiff the sum of \$8,031.97 in fees pursuant to EAJA, 28 U.S.C. § 2412(d), and \$402.00 in costs, by making the payment payable to Plaintiff and sending the payment to Plaintiff's counsel. Because Plaintiff's counsel has already received fees pursuant to 42 U.S.C. § 406(b) in this case (Docket No. 25), Plaintiff's counsel shall immediately transmit payment directly to Plaintiff upon receipt.

Signed this

Mar 19, 2024


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE